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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,889	12/27/2000	Florian M. Kehlstadt	5509	2729
758	7590	02/25/2004	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			HAILU, TADESSE	
			ART UNIT	PAPER NUMBER
			2173	6

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/750,889	KEHLSTADT ET AL.	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 08 December 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 17-25 and 30 is/are allowed.

6) Claim(s) 1-3,5-8,16 and 26-29 is/are rejected.

7) Claim(s) 4 and 9-15 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

#### DETAILED ACTION

1. This Office Action is in response to the Amendment entered December 8, 2003 for the patent application (09/750,889) filed December 27, 2000.
2. The present patent application is a CIP of 09/571,006 filed 5/15/2000.

#### *Examiner's Amendment*

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rajiv P. Patel on 2/20/2004.

The application has been amended as follows: in claim 18, line 2, please replace "the texture" to --a texture-- and "the control device" to --a control device--.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 6-8, 16, and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenberg et al (US Pat. No. 6,211,861).

Rosenberg relates to a haptic feedback interface device that is coupled to a host computer, which implements a host application program. In a preferred embodiment, the device is a mouse that is physically contacted by a user and movable in a planar workspace.

With regard to claim 1:

As per “A method of providing information from a host computer to a user through a control device, the host computer located apart from the control device,” (see Rosenberg, column 2, lines 44-63; column 10, lines 66-column 11, lines 7; column 12, lines 10-25; 20-33; column 16, lines 11-28);

As per “receiving an event signal at the control device from the host compute indicating an occurrence of an event” (see Rosenberg, column 2, lines 44-63, column 20, lines 44-53; column 22, lines 39-48); and

As per “responsive to receiving the event signal, generating a notification signal to alter a characteristic within a bounded region of the control device to notify the user that the event has

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occurred.” (see Rosenberg, column 3, lines 32-46; column 10, lines 50-65; column 17, lines 48-64).

With regard to claim 6:

As per “... providing the user with a vibratory indication within the bounded region on the control device that the event has occurred.” (see Rosenberg, Abstract, column 11, lines 50-65).

With regard to claim 7:

As per “... providing the user with a tactile indication within the bounded region on the control device that the event has occurred.” (see Rosenberg, Abstract, column 11, lines 50-65).

With regard to claim 8:

As per “A method for notifying a computer user of occurrence of an event,” (see Rosenberg, column 2, lines 44-63; column 10, lines 66-column 11, lines 7).

As per “receiving an event signal from a host computer at a control device that the event has occurred, the control device including a surface having a texture that is alterable” (see Rosenberg, column 2, lines 44-63, column 20, lines 44-53; column 22, lines 39-48); and

as per “responsive to the event signal from the host computer, altering the texture in the region on the control device to provide a tactile indication to notify the user that the event has occurred.” (see Rosenberg, column 3, lines 32-46; column 10, lines 50-65; column 17, lines 48-64).

With regard to claim 16:

As per "...wherein the control device is a mouse." (see Fig. 1).

With regard to claims 26 and 27:

These are system claims, while not necessary identical in scope, contain limitations similar to independent claim 8 and therefore are rejected under the same rationale.

With regard to claims 28 and 29:

These are computer program product claims, while not necessary identical in scope, contain limitations similar to independent claim 8 and therefore are rejected under the same rationale.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al (US Pat. No. 6,211,861) in view of Bruneau et al US Pat. No. 6,400,352.

With regard to claims 2-3, and 5:

Rosenberg discloses a tactile sensation (force output by actuator) that provides a sensation to the user using a control device. For example vibration, jolt, or texture sensation are all tactile sensation (column 11, lines 32-65). While Rosenberg does show a tactile sensation, but Rosenberg fails to show audio indicator and visual indication, such as illuminating a light source on the control device that an event has occurred. Bruneau discloses a force feedback device capable of communicating with a host computer, the force feedback device includes a

physical sensations to the user in conjunction with other visual and auditory feedback as the user is contacting the device (column 1, lines 38-57). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate a variety of sensors on the control device of Rosenberg. In a graphical environment, incorporating a variety of sensors on the control device of Rosenberg will enhance the user interactions and manipulations.

*Allowable Subject Matter*

6. Claims 17-25, and 30 are allowed.

The following is an examiner's statement of reasons for allowance .

While the prior art of records discloses a plurality of pegs (see Jeffway, fig. 8, #68), but the prior art of records fails to teach that these pegs are used for changing the physical effect or texture of the control device. Thus, the prior art of records fails to teach a method for notifying a computer user of occurrence of an event, the method includes, among other things, responsive to the communication from the host computer, altering the texture on the surface of the mouse to notify the user that the event has occurred, wherein altering the texture comprises raising a plurality of pegs through a plurality of apertures in the region on the mouse (claims 17 and 30). The prior art of records also fails to teach a system for notifying a computer user of an occurrence of an event by changing the texture of a region on the control device being used by the user, the system includes, among other things, a plurality of pegs in the region on the control device for changing the texture of the control device (claim 18); The prior art of records further fails to teach a system for notifying a computer user of an occurrence of an event by changing a texture of a region on a control device being used by the computer user, the system includes, among other

things, a key plate on the region of the control device; and a pegs plate comprising a plurality of pegs, a portion of which can protrude through the key plate to change the texture of the region on the control device (claim 19). The prior art of records also fails to teach a system for notifying a computer user of an occurrence of an event by changing a texture of a region on a control device being used by the user, the system includes, among other things, a key plate on the region on the control device; a pegs plate comprising a plurality of pegs, a portion of which can protrude through the key plate to change the texture of the region on the control device; a lever communicatively coupled to the pegs plate to reposition the pegs plate with respect to the key plate; a cam communicatively coupled to the lever for manipulating the lever; and an actuator module communicatively coupled to the cam for rotating the cam (claims 20-25).

Thus, prior art neither renders obvious nor anticipates the combination of claimed elements in light of the specification.

7. Claims 4, and 9-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of records fails to disclose a method of providing information from a host computer to a user through a control device, the method includes generating a notification signal including, among other things, illuminating a light source on the control device wherein the light source blinks to indicate that the event is urgent (claim 4). Furthermore, while the prior art of records discloses a plurality of pegs (see Jeffway, fig. 8, #68), but the prior art of records also fails to teach that these pegs are used for changing the physical effect or texture of the control device.

The prior art of records further fails to describe the physical effect (altering the texture) to include raising a plurality of pegs through a plurality of apertures in the surface of the control device (claims 9-15).

Thus, prior art neither renders obvious nor anticipates the combination of claimed elements in light of the specification.

***Response to Arguments***

8. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The

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Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

Feb 19, 2004

CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER